

Update: Juvenile Justice Benchbook (Revised Edition)

CHAPTER 7

Pretrial Proceedings in Delinquency Cases

7.6 Selected Search and Seizure Issues

Warrantless searches of students by school officials.

On page 156, before the paragraph beginning “**Warrantless searches of lockers. . .**,” insert the following text:

In Beard v Whitmore Lake School District, ___ F3d___ (CA 6, 2005), school officials conducted a strip search of all of the students in a gym class in an attempt to find money that was reported missing. The Sixth Circuit held that the searches violated the Fourth Amendment because “[t]he highly intrusive nature of the searches, the fact that the searches were undertaken to find missing money, the fact that the searches were performed on a substantial number of students, the fact that the searches were performed in the absence of individualized suspicion, and the lack of consent, taken together, demonstrate that the searches were not reasonable.”

CHAPTER 25

Recordkeeping & Reporting Requirements

25.1 Family Division Records

On page 489, replace the last sentence in the second paragraph and the bulleted list with the following text:

*Effective May 1, 2005.

The Michigan Supreme Court Case File Management Standards and MCR 8.119(D)(1)(c) require a register of actions to contain specific information. MCR 8.119(D)(1)(c)* states:

“Register of Actions. The clerk shall keep a case history of each case, known as a register of actions. The register of actions shall contain both pre- and post-judgment information. When a case is commenced, a register of actions form shall be created. The case identification information in the alphabetical index shall be entered on the register of actions. In addition, the following shall be noted chronologically on the register of actions as it pertains to the case:

- (i) the offense (if one);
- (ii) the judge assigned to the case;
- (iii) the fees paid;
- (iv) the date and title of each filed document;
- (v) the date process was issued and returned, as well as the date of service;
- (vi) the date of each event and type and result of action;
- (vii) the date of scheduled trials, hearings, and all other appearances or reviews, including a notation indicating whether the proceedings were heard on the record and the name and certification number of the court reporter or recorder present;
- (viii) the orders, judgments, and verdicts;
- (ix) the judge at adjudication and disposition;
- (x) the date of adjudication and disposition; and
- (xi) the manner of adjudication and disposition.

“Each notation shall be brief, but shall show the nature of each paper filed, each order or judgment of the court, and the returns showing execution. Each notation shall be dated with not only the date of filing, but with the date of entry and shall indicate the person recording the action.”